

CHAPTER 162

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 04-083

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also REPRESENTATIVE(S) Spence, Judd, McFadyen, Boyd, Carroll, Coleman, Frangas, Madden, Marshall, Merrifield,
Paccione, Salazar, Stafford, Weddig, Weissmann, and Williams S.

AN ACT**CONCERNING THE CREATION OF AN ADDITIONAL CATEGORY OF ALTERNATIVE EDUCATION CAMPUS.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly hereby finds that:

(a) Certain Colorado public secondary schools, commonly referred to as alternative schools, are designed for and typically serve students who have failed in or dropped out of traditional schools, have been expelled from traditional schools, have become involved in the juvenile justice system, were victims of child abuse or neglect, use drugs or alcohol, belong to street gangs, or are otherwise at risk of academic failure, continuing high-risk behaviors, and post-graduation joblessness.

(b) Many students enter these alternative secondary schools with a wide range of academic skill levels or deficits, and a significant number of the students who enroll in these schools score two to five years behind other students of the same age on standardized academic tests.

(c) Because these alternative secondary schools serve students who are already academically behind their peers, these schools are always ranked as "low" or "unsatisfactory" on the academic performance ratings, thereby skewing the rankings, not only for the alternative secondary schools, but for all other more traditional schools.

(d) Current school rankings and comparisons fail to measure how well an alternative secondary school is serving its unique student population by reducing high-risk behaviors, retaining those students who have the potential to drop out,

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

achieving adequate yearly progress for each student, and improving post-graduation performance.

(e) These alternative secondary schools do not meet the current statutory definition of an "alternative education campus" and further should be held to different accountability measures than other alternative education campuses.

(f) These alternative secondary schools should be subject to alternative accountability measures, including those based upon the educational growth over time in the school that their students achieve per year of instruction.

(g) The accreditation of these alternative secondary schools should reflect these alternative accountability measures and other positive educational indicators such as measurable reductions in high-risk behaviors.

SECTION 2. The introductory portion to 22-7-604.5 (1) and 22-7-604.5 (1) (a) (VI) (B) and (1) (a) (VI) (C), Colorado Revised Statutes, are amended, and the said 22-7-604.5 (1) (a) (VI) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

22-7-604.5. Alternative education campuses - criteria - application. (1) On or before September 1, 2002, AND ON OR BEFORE JULY 1, 2004, FOR SCHOOLS QUALIFYING UNDER SUB-SUBPARAGRAPH (D) OF SUBPARAGRAPH (VI) OF PARAGRAPH (a) OF THIS SUBSECTION (1), the state board shall adopt rules specifying the criteria and application process for a school to be designated an alternative education campus. Such rules shall include but need not be limited to:

(a) Criteria that a school must meet to be designated an alternative education campus, including but not limited to the following:

(VI) (B) Serving a student population, more than ninety-five percent of whom have an individual education program pursuant to section 22-20-108; except that such school shall establish a public process that will provide for accountability; ~~or~~

(C) Serving students who attend on a part-time basis and who come from other schools where such part-time students are counted in the enrollment of the other school; except that the results of the assessments administered pursuant to section 22-7-409 of all part-time students AND HIGH-RISK STUDENTS AS DEFINED IN SUBSECTION (1.5) OF THIS SECTION shall be used in calculating the academic performance and academic improvement ratings of the school for which the student is counted for enrollment purposes; OR

(D) SERVING A STUDENT POPULATION IN WHICH MORE THAN NINETY-FIVE PERCENT OF THE STUDENTS MEET THE DEFINITION OF A HIGH-RISK STUDENT CONTAINED IN SUBSECTION (1.5) OF THIS SECTION; EXCEPT THAT THE REQUEST FOR DESIGNATION FOR SUCH A SCHOOL SHALL ALSO INCLUDE ACCOUNTABILITY MEASURES MEETING THE STANDARDS ESTABLISHED IN PARAGRAPH (a) OF SUBSECTION (2.5) OF THIS SECTION.

SECTION 3. 22-7-604.5, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

22-7-604.5. Alternative education campuses - criteria - application. (1.5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, A "HIGH-RISK STUDENT" MEANS A STUDENT ENROLLED IN A SECONDARY SCHOOL WHO:

(a) HAS BEEN COMMITTED TO THE DEPARTMENT OF HUMAN SERVICES FOLLOWING ADJUDICATION AS A JUVENILE DELINQUENT OR IS IN DETENTION AWAITING DISPOSITION OF CHARGES THAT MAY RESULT IN COMMITMENT TO THE DEPARTMENT OF HUMAN SERVICES;

(b) HAS DROPPED OUT OF SCHOOL OR HAS NOT BEEN CONTINUOUSLY ENROLLED AND REGULARLY ATTENDING SCHOOL FOR AT LEAST ONE SEMESTER PRIOR TO ENROLLING IN HIS OR HER CURRENT SCHOOL;

(c) HAS BEEN EXPELLED FROM SCHOOL OR ENGAGED IN BEHAVIOR THAT WOULD JUSTIFY EXPULSION;

(d) HAS A DOCUMENTED HISTORY OF PERSONAL DRUG OR ALCOHOL USE OR HAS A PARENT OR GUARDIAN WITH A DOCUMENTED DEPENDENCE ON DRUGS OR ALCOHOL;

(e) HAS A DOCUMENTED HISTORY OF PERSONAL STREET GANG INVOLVEMENT OR HAS AN IMMEDIATE FAMILY MEMBER WITH A DOCUMENTED HISTORY OF STREET GANG INVOLVEMENT;

(f) HAS A DOCUMENTED HISTORY OF CHILD ABUSE OR NEGLECT;

(g) HAS A PARENT OR GUARDIAN IN PRISON OR ON PAROLE OR PROBATION;

(h) HAS A DOCUMENTED HISTORY OF DOMESTIC VIOLENCE IN THE IMMEDIATE FAMILY; OR

(i) HAS A DOCUMENTED HISTORY OF REPEATED SCHOOL SUSPENSIONS; OR

(j) IS A PARENT OR PREGNANT WOMAN UNDER THE AGE OF TWENTY YEARS.

(2.5) (a) IN ADDITION TO THE REQUIREMENTS ESTABLISHED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, AN APPLICATION FOR DESIGNATION AS AN ALTERNATIVE EDUCATION CAMPUS FOR A SCHOOL QUALIFYING UNDER SUB-SUBPARAGRAPH (D) OF SUBPARAGRAPH (VI) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION SHALL INCLUDE AN AGREEMENT TO DEMONSTRATE INITIAL BASELINE LEVELS OF AND MEASURABLE ANNUAL BENCHMARKS ON:

(I) AT LEAST ONE MEASURE OF STUDENT ACADEMIC PERFORMANCE WHICH MEASURES THE EDUCATIONAL GROWTH A STUDENT ACHIEVES DURING ONE YEAR OF ENROLLMENT IN THE SCHOOL AND WHICH SHALL BE BASED UPON:

(A) ACADEMIC PROGRESS OF INDIVIDUAL STUDENTS OR GROUPS OF STUDENTS ON THE ASSESSMENTS ADMINISTERED PURSUANT TO SECTION 22-7-409, IF APPLICABLE; AND

(B) ACADEMIC PROGRESS OF INDIVIDUAL STUDENTS OR GROUPS OF STUDENTS ON OTHER STANDARDIZED ASSESSMENTS PROPOSED IN THE APPLICATION AND APPROVED

BY THE STATE BOARD;

(II) OTHER MEASURES OF STUDENT ACADEMIC PROGRESS THAT SHALL INCLUDE ONE OR MORE OF THE FOLLOWING: GRADE PROMOTION; SECONDARY SCHOOL DROPOUT RATES; GED SECTIONS ATTEMPTED; COURSE OR CREDIT COMPLETION; GRADUATION; GED COMPLETION; OR OTHER INDICATORS PROPOSED IN THE APPLICATION AND APPROVED BY THE STATE BOARD; AND

(III) MEASURES OF NONACADEMIC OR BEHAVIORAL IMPROVEMENT APPROPRIATE FOR THE PURPOSES OF EACH PARTICULAR SCHOOL, INCLUDING BUT NOT LIMITED TO AVERAGE DAILY ATTENDANCE, STUDENT POST-MATRICULATION RATES OF ENROLLMENT, ENLISTMENT, OR EMPLOYMENT, RATES OF STABILITY OR RETENTION, REDUCED RATES OF SUSPENSION OR OTHER DISCIPLINE, OR ATTENDANCE RATES.

(b) AS A CONDITION TO RECEIVING A DESIGNATION AS AN ALTERNATIVE EDUCATION CAMPUS UNDER SUBPARAGRAPH (VI) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, THE STATE BOARD AND THE SCHOOL SHALL AGREE TO A DATE BY WHICH, IF THE SCHOOL HAS NOT DEMONSTRATED ACCOMPLISHMENT OF THE ANNUAL BENCHMARKS AGREED TO IN THE APPLICATION FOR DESIGNATION, THE SCHOOL DISTRICT IN WHICH SUCH SCHOOL IS LOCATED SHALL BE REQUIRED TO SUBMIT A SCHOOL IMPROVEMENT PLAN PURSUANT TO SECTION 22-7-609.

(c) NOTWITHSTANDING THE PROVISIONS OF SECTION 22-7-605 (4) (b), (4) (c), (8) (a), (8) (b), AND (8) (d), THE SCHOOL ACCOUNTABILITY REPORT FOR AN ALTERNATIVE EDUCATION CAMPUS QUALIFYING UNDER SUB-SUBPARAGRAPH (D) OF SUBPARAGRAPH (VI) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION:

(I) SHALL INCLUDE, FOLLOWING THE WORDS: "OVERALL ACADEMIC PERFORMANCE" AND FOLLOWING THE WORDS "ACADEMIC IMPROVEMENT: RATING CALCULATED PURSUANT TO SECTION 22-7-604 (6)", IN PLACE OF BOTH RATINGS REQUIRED UNDER SECTION 22-7-605 (4) (b), THE WORDS "ALTERNATIVE EDUCATION CAMPUS";

(II) SHALL NOT INCLUDE THE COMPARISON REQUIRED BY SECTION 22-7-605 (4) (c); AND

(III) SHALL NOT INCLUDE THE RATINGS REQUIRED BY SECTION 22-7-605 (8) (a) AND (8) (b) AND SHALL NOT INCLUDE THE LANGUAGE SPECIFIED IN SECTION 22-7-605 (8) (d).

(d) FOR AN ALTERNATIVE EDUCATION CAMPUS QUALIFYING UNDER SUB-SUBPARAGRAPH (D) OF SUBPARAGRAPH (VI) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, THE MEASURE OR MEASURES ADOPTED PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (2.5) SHALL BE USED AS AN ACCREDITATION INDICATOR IN PLACE OF THE INDICATOR OTHERWISE REQUIRED PURSUANT TO SECTION 22-11-104 (2) (h).

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 20, 2004